

**Notice of Allowability**

Application No.

10/759,450

Examiner

Justin R. Fischer

Applicant(s)

KOLLIN, EDWARD B.

Art Unit

1733

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11 August 2005.
2. ☒ The allowed claim(s) is/are 12-22 (renumbered 1-11).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

### **DETAILED ACTION**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Arnold Weintraub on September 12, 2005.

#### **In the claims:**

Claims 1-11 are cancelled.

Claim 21, Line 1: the word "lubricant" is deleted and replaced with the language -run-flat tire--.

Claim 22, Line 1: the word "lubricant" is deleted and replaced with the language --run-flat tire--.

#### ***Allowable Subject Matter***

2. Claims 12-22 (renumbered 1-11) are allowed. The following is an examiner's statement of reasons for allowance:

As set forth in the Final Office Action, it is well recognized in the tire industry to include a lubricant between a tire inner surface and a runflat device disposed therein in order to prevent heat buildup. As to the specific type of lubricant, there are a wide variety of lubricant compositions used in the tire industry. In this instance, one of

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ordinary skill in the art at the time of the invention would have found it obvious to use a lubricant comprising (a) a carrier fluid selected from the group consisting of water-soluble fluid, a water-miscible fluid, and mixtures thereof, (b) a thickener, and (c) a surfactant in light of Fricke, which discloses such a lubricant composition between a tire inner surface and a rim comprising (Abstract). It is emphasized that while Fricke fails to expressly suggest the use of such a lubricant between the tire inner surface and a runflat device, the reference is broadly directed to a tire lubricant for reducing friction between the inner wall of a tire and the rim or other parts of the tire- thus Fricke generally envisioned the use of such a lubricant in a tire to prevent the occurrence of friction. As such, the particular selection of such a lubricant in a runflat tire between the inner wall of the tire and the runflat device (other part of the tire) would have been well within the purview of one of ordinary skill in the art at the time of the invention. However, in light of the affidavit submitted on August 25, 2005, such a composition (having the above noted components) does not necessarily result in a lubricant having (i) an initial viscosity above 100,000 cps and (ii) the ability to temporarily shear thin and substantially return to its starting viscosity. One of ordinary skill in the art at the time of the invention would not have found it obvious to select a lubricant composition having the claimed initial viscosity and shear characteristics.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

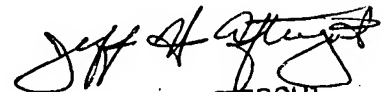
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R. Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Justin Fischer

September 14, 2005

  
JEFF H. AFTERGUT  
PRIMARY EXAMINER  
GROUP 1300